

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4545 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANAV KENDRA GYAN MANDIR

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR NILESH A PANDYA for Petitioner
MR TUSHAR MEHTA for the respondents.

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 13/11/97

ORAL JUDGEMENT

Rule. Ld. Counsel Mr.Tushar Mehta waives the service of Rule for the respondents.

The petition is taken up for final hearing.

The say of the petitioner is that, the dispute centres around the bill for the consumption of Electrical energy for the months of July and August 1993. According to the petitioner, the amount is Rs.43,019/-. There is a clear assertion in the memorandum of the petition that

the above said amount has been paid by the petitioner under protest.

Upon hearing ld. Counsel Mr.Pandya for the petitioner, it appears that the petitioner has already presented the appeal before the Appellate Committee, namely, the respondent no.2 in respect of the above said bill. The grievance voiced by ld. Counsel Mr.Pandya is that the above said appeal is still not decided.

In my opinion, the above said appeal which is pending before the respondent no.2 - the Appellate Committee requires to be decided expeditiously. I, therefore, would direct that the said respondent to decide the above said appeal within a period of two months from the date of the receipt of the writ of the present orders. I do not express any opinion regarding the merits of the appeal and also on the question regarding the jurisdiction of the respondent no.2. All these questions shall have to be decided by the said respondent while deciding the appeal.

The payment made by the petitioner in sum of Rs.43,019/- under protest, shall be subject to the final outcome of the appeal or any other further relevant proceedings.

The petition succeeds to the above said extent only and is accordingly allowed to the said extent. Rule is made absolute accordingly with no order as to costs.

sreeram.